



USDA Foreign Agricultural Service

# GAIN Report

Global Agriculture Information Network

Template Version 2.09

Voluntary Report - Public distribution

**Date:** 2/19/2008

**GAIN Report Number:** E48020

## EU-27

### FAIRS Subject Report

## Proposal for a new EU Food Labeling Regulation 2008

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**Report Highlights:**

On January 30, 2008, the European Commission published its proposal to revise the EU's general food labeling requirements. New requirements include the mandatory declaration of nutrition information on the front label of pre-packaged foods, a minimum font size of 3 mm for printing mandatory information and an ingredients list on the label of alcopops. The proposed rules apply to all foods and beverages, including imported products, intended for the final consumer.

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Includes PSD Changes: No  
Includes Trade Matrix: No  
Annual Report  
Brussels USEU [BE2]  
[E4]

## Proposal for a new EU Food Labeling Regulation

### Scope

On January 30, 2008, the European Commission published its proposal to revise the EU's general food labeling requirements laid down in [Directive 2000/13/EC](#). The main objective of the proposal is to make essential information available to the consumer in a legible and understandable way. The proposed rules apply to all foods and beverages, including imported products, intended for the final consumer. While the proposal mainly consolidates existing requirements scattered over different directives, a number of important new requirements are being introduced. New requirements include the mandatory declaration of nutrition information on the front label of pre-packaged foods, a minimum font size of 3mm for printing mandatory information and an ingredients list on the label of alcopops.

The 95-page proposal can be downloaded from the European Commission's website at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2008:0040:FIN:EN:PDF>.

### Mandatory Food Information

Under the proposal, the following information is mandatory (article 9):

- the name of the food
- the list of ingredients
- ingredients causing allergies (listed in Annex II to the draft regulation)
- quantitative indication of certain ingredients
- the net quantity of the food expressed in liter, centiliters, milliliters, kilograms or grams
- the use-by date
- any special storage conditions or conditions of use
- name and address of the manufacturer or packager or seller established within the EU
- country of origin or provenance where failure to indicate this might mislead the consumer
- instructions for use where the absence of such information would make the proper use of the food impossible
- the alcoholic strength by volume for beverages containing more than 1.2% by volume of alcohol
- a nutrition declaration

Annex III to the draft regulation establishes additional mandatory information for foods packaged in certain gases, foods containing sweeteners, foods containing liquorice, beverages with high caffeine content and foods with added phytosterols.

### Font Size

Mandatory information must be printed in a minimum font size of 3 mm on a contrasting background. The minimum font size does not apply when the largest surface of the packaging is less than 10 cm<sup>2</sup>.

### Allergen Labeling

Annex II to the draft regulation lists the allergenic ingredients and substances derived from such ingredients that must be indicated on the label. Under the proposal, mandatory allergen labeling is being extended to non-prepackaged food, including food sold in restaurants and catering establishments.

## Alcoholic beverages

Under the proposal, ready to drink mixed alcoholic beverages, better known as alcopops, must include an ingredients list on the label. Wine, beer and spirits escape for the time being from the mandatory ingredient labeling requirement. However, five years after the entry into force of the new labeling regulation, a European Commission report will review this temporary derogation and propose, if necessary, specific labeling requirements for wine, beer and spirits. Pending the adoption of harmonized provisions, Member States may maintain national rules for the listing of ingredients on alcoholic beverages.

## Origin Labeling

Country of origin or provenance labeling remains voluntary unless its absence could mislead consumers. However, the proposal lays down certain criteria for producers who wish to inform the consumer that a food is coming from the EU or a specified country or place. If the main ingredients originate from a different place than the finished product, the country of origin of the main ingredient(s) must also be listed. Separate rules on origin labeling already exist for beef and veal in the context of the EU's BSE protection measures. The proposal sets out conditions for the voluntary country of origin indication on all other types of meats.

Only under certain conditions can Member States make country of origin labeling mandatory. National authorities must notify the Commission before they introduce any national legislation on country of origin labeling. Notifications must include evidence that the purchasing choices of a majority of consumers are influenced by the provision of such information.

## Nutrition Labeling

Under the current EU rules, nutrition labeling is optional although it becomes mandatory when a nutrition claim is being made or when vitamins or minerals are voluntarily added to foods. In the context of the EU's fight against obesity, the proposal introduces mandatory front-of-pack nutrition labeling for most pre-packaged processed foods (wine, beer and spirits are excluded). The proposal does not lay down one uniform system for the presentation of the front-of-pack information except for the order of the nutrients and the legibility requirements. Manufacturers can freely choose how they want to display such information.

Energy value, fat, saturated fat, carbohydrates with specific reference to sugars and salt content of the product, per 100ml/100g or per portion, must be indicated in that order on the front of the packaging. The nutrition declaration must be expressed as a percentage of the reference intakes established by Part B of Annex XI. The declaration of vitamins and minerals must also be provided as a percentage of the reference intakes set out by Part A of Annex XI. The proposal also provides a list of other nutrients (such as trans fats) that **may** be included in the nutrition declaration.

Despite lobbying from consumer organizations, the proposal favors the "Guideline Daily Amounts" (GDA) approach rather than any of the national schemes such as the U.K.'s traffic light scheme. However, the proposal allows for national **non-binding** schemes to be developed. Under the proposal, Member States may adopt national standards, recommendations or specific formats for the presentation of nutrition information (such as the traffic light system). Products labeled with a nationally endorsed scheme can freely circulate in all Member States. The Commission will establish and operate an exchange of information on the national schemes.

## Adoption of the Proposal

This is a proposal for a European Parliament and Council Regulation which has to be adopted under the co-decision procedure. Under the co-decision procedure the Council and the European Parliament have equal legislative power. If the two institutions cannot agree on a proposal, it is put before a conciliation committee.

A significant change is the move from a "Directive" to a "Regulation" which should limit the variations in the implementation of the requirements by the different Member States. A "Directive" has to be transposed into national laws while a "Regulation" has to be implemented "as is", by all the Member States on the same date. If adopted, the new regulation will replace a series of directives.

Updates of and amendments to the Annexes of the new food labeling regulation will be adopted by the Commission under the Comitology procedure. Under the Comitology procedure, the Commission submits a proposal to the Standing Committee on the Food Chain and Animal Health (composed of Member State experts) which votes for or against the proposal on the basis of qualified majority.

The proposed food labeling rules will undoubtedly generate a lot of discussion. The minimum font size of 3 mm is already being criticized by the EU food industry as it will lead to an increase of the package sizes and create additional costs. Another controversial element of the proposal is the mandatory front-of-pack nutrition information requirement. To quote one of the European organizations "Once all the mandatory information is included on the front of the pack there may be no place left for the company logo and the brand name". European consumer and health organizations are disappointed that the proposal does not prescribe a harmonized format, such as the traffic light system, for the presentation of nutrition information.

Under the TBT-Agreement, the food labeling proposal has to be notified to the WTO to allow third countries to submit comments on the proposed rules. More information on EU measures notified to the WTO is available on our website at <http://useu.usmission.gov/agri.WTONotif.html>.

**Visit our website:** our website <http://useu.usmission.gov/agri/> provides a broad range of useful information on EU import rules and food laws and allows easy access to USEU reports, trade information and other practical information. More information on labeling can be found at <http://useu.usmission.gov/agri/label.html>. E-mail: [AgUSEUBrussels@fas.usda.gov](mailto:AgUSEUBrussels@fas.usda.gov).

### Related reports from USEU Brussels:

Report Number	Title	Date Released
<a href="#">E48014</a>	Proposal for a new Novel Foods Framework Regulation	Jan 2008
<a href="#">E47056</a>	Food and Agricultural Import Regulations and Standards (FAIRS)	Jul 2007
<a href="#">E47043</a>	Introduction to EU Institutions	Jun 2007

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